

## Minutes of the Regular Meeting of the Ankeny City Council

Monday, April 5, 2010 - 5:30 P.M.

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

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Mayor Van Oort called the meeting to order at 5:30 p.m. All Council members were present. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort led the Pledge of Allegiance.

### CEREMONY:

- **PROCLAMATION:** Mayor Van Oort read a proclamation designating April 5, 2010 as “Larry Ireland Day” and that this proclamation of appreciation be conveyed to the Ireland family.

### A. PUBLIC FORUM

Citizen Open Forum: Jonathan Balashaitis, 1209 NE Stone Valley Circle, addressed the city council in support of residential wind turbines and provided council with supportive documentation.

Mayor Van Oort stated the documentation provided by Mr. Balashaitis would be given to the Plan & Zoning Commission for their review.

### B. APPROVAL OF AGENDA

**ACTION #1.** Kissinger made the MOTION to approve and accept the April 5, 2010 agenda, with amendments: adding Consent Agenda item CA-36 (resolution accepting private construction contract), deleting Consent Agenda Items CA-25, CA-26 and CA-27 (resolutions related to North Prairie Bend Plat 2), and deleting Actions #8 and #9 under Legislative Business, seconded by Welch.

#### ROLL CALL

2010-0405.01	YES	5	NO	0
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### C. PUBLIC HEARING(S):

- **PH 2010-08:** Proposed adoption of an ordinance adding a new section to the Code Ordinances of the City of Ankeny, Iowa, establishing the SE Four Mile Drive Water Connection District 1.

Mayor Van Oort announced this is the time and place for a public hearing on the matter of the adoption of Ordinance No. 1657 adding a new section to the Code of Ordinances of the City of

Ankeny, Iowa, to establish a benefited district and connection fees for the SE Four Mile Drive Water Connection District 1. Notice of this hearing was published in the Des Moines Register on the 12<sup>th</sup> day of March, 2010, and notices were mailed to affected property owners within the benefited district as required by law.

Jolee Belzung, Municipal Utilities Director, presented a graphic of the proposed benefited water main district that will be serving this connection fee district. She stated this water main was constructed in summer and fall of last year and property owners within this district who are not already in a connection fee district for the eastside rural water on Oralabor; or Crosswinds water connection district on SE Four Mile Drive south and Corporate Woods Drive will have frontage on this main. She further stated the proposed connection fee is \$1,800 per acre with a \$3,000 minimum which is consistent with the other connection fees in the neighborhood.

**ACTION #2. There being no written or oral objections, Welch made the MOTION to close Public Hearing 2010-08, seconded by Strait.**

**ROLL CALL**

**2010-0405.02                      YES    5            NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "Legislative Business", Agenda Item "I" later in the meeting.

- **PH 2010-09:** Proposed vacation of all easements located on Lots 2, 3, 7, 8, 9 and 10, Plaza Shops at Prairie Trail Plat 1.

Mayor Van Oort announced this is the time and place for a public hearing on the matter of the proposed Ordinance #1658 vacating all easements located on Lots 2, 3, 7, 8, 9 and 10, Plaza Shops at Prairie Trail Plat 1. Notice of this hearing was published in the Des Moines Register on the 19<sup>th</sup> day of March, 2010.

Eric Jensen, Assistant Director of Planning and Building, presented a brief summary of the easements requested to be vacated.

**ACTION #3. There being no written or oral objections, Block made the MOTION to close Public Hearing 2010-09, seconded by Kissinger.**

**ROLL CALL**

**2010-0405.03                      YES    5            NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "Legislative Business", Agenda Item "I" later in the meeting.

**D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

Plan & Zoning Commission Representative Dan Fliger updated the council on the activities of the Plan & Zoning Commission.

Mayor's Youth Council Representative Molly Burns updated the council on the activities of the Mayor's Youth Council.

**E. REPORT OF LOBBYIST:** none

**F. APPROVAL OF CONSENT AGENDA:**

• **Minutes**

- CA-1 Approval of official council actions of the regular meeting of March 15, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-2 Approval of official council action of the special meeting of March 22, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-3 Receive and file minutes of the Plan & Zoning Commission meeting of March 16, 2010, subject to correction, as recommended by the recording secretary.
- CA-4 Receive and file minutes of the Park Board Meeting of February 22, 2010, subject to correction, as recommended by the recording secretary.
- CA-5 Receive and file minutes of the Library Board meeting of February 4, 2010, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

- CA-6 Consider motion to approve a Class B Beer Permit w/Sunday Sales for City of Ankeny d/b/a Hawkeye Park Concession Stand, 504 West First Street. (renewal)
- CA-7 Consider motion to approve a Class C Beer Permit w/Sunday Sales & Carryout Wine for Git-N-Go Convenience Stores, Inc., d/b/a Git-N-Go Convenience Store #40, 2811 SW Oralabor Road. (renewal)
- CA-8 Consider motion to approve the addition of a Class B Wine Permit to the current Class C Liquor License for the Des Moines Area Community College d/b/a Des Moines Area Community College, 2006 South Ankeny Blvd. (new)
- CA-9 Consider motion to approve a Class C Liquor License w/Sunday Sales & Outdoor Service Area for the City of Ankeny d/b/a Otter Creek Golf Course, 4100 NE Otter Creek Drive. (renewal)

• **Finance/Budget**

- CA-10 Consider motion to approve Payment No. 21 in the amount of \$1,512.50 to Civil Design Advantage (CDA) for engineering services on the 2009 SE Oralabor Road Reconstruction Project.
- CA-11 Consider motion to approve Payment #10 in the amount of \$12,241.96 to Kirkham Michael Associates, Inc., for engineering services on the Westwinds Soil Stabilization Project.

- CA-12** Consider motion to approve Payment #11 in the amount of \$844,039.37 to Sande Construction and Supply Co., Inc., for construction services on the Cascade Falls Aquatic Center Project.
- CA-13** Consider motion to approve Payment #7 in the amount of \$35,409.41 to Snyder & Associates, Inc., for engineering services on the SE Corporate Woods Drive Railroad Overpass Project.
- CA-14** Consider motion to approve Payment #15 in the amount of \$39,815.00 to Snyder & Associates, Inc., for engineering services on the East First Street Interchange Reconstruction Project.
- CA-15** Consider motion to approve Payment #8 in the amount of \$33,154.50 to Snyder & Associates, Inc., for engineering services on the I-35 Widening Project – East First Street Interchange to NE 36<sup>th</sup> Street Interchange.
- CA-16** Consider motion to approve Payment #16 in the amount of \$44,194.00 to Snyder & Associates, Inc., for engineering services on the SW Magazine Road and SW Cherry Construction Project.
- CA-17** Consider motion to approve Change Order #7 increasing the contract amount by \$1,020.00 to Sternquist Construction for construction services for the 2009 SE Oralabor Road Reconstruction Project.
- CA-18** Consider motion to approve Payment #7 in the amount of \$22,530.39 to Sternquist Construction for construction services for the 2009 SE Oralabor Road Reconstruction Project.
- CA-19** Consider motion to approve Payment #42 in the amount of \$586.41 to Wilson Estes Police Architects for architectural and engineering services on the Police Station Headquarters Building Project.
- CA-20** Consider motion to approve Amendment No. 2 to the Professional Services Agreement in an amount not to exceed \$12,500.00 with Wilson Estes Police Architects for the Police Station Headquarters Building Project.
- CA-21** Consider motion to approve the April 5, 2010 Accounts Payable from the following funds: General \$337,976.74, Hotel Motel Tax \$89,943.34, Road Use Tax \$39,588.87, Tax Increment Financing 2,922.63, Economic Development \$1,591.57, Dog Park Trust \$67.50, Water \$265,923.52, Sewer \$468,727.15, Stormwater \$343.63, Golf Course \$12,708.11, Enterprise Project \$675,071.27, Revolving \$5,708.57, Risk Mgmt \$9,294.84, Equipment Reserve \$8,540.00, Capital Projects 1,040,278.08, Payroll \$1,317,341.24, Less Srvc Trnsfrs \$284.65, Less Agenda Pymts Approved Separately \$1,033,483.54, Grand Total \$3,242,258.87. (Finance Committee: W. Steenhoek, Chp., D. Kissinger, T. Strait)

- **Personnel Items:** none

- **Community Development Items**

- CA-22 Consider motion to adopt RESOLUTION 2010-065 accepting final plat, deed to streets and parkland, performance bonds for paving and underground improvements, and letter of credit for sidewalks and erosion control; and authorize cost participation for oversizing of water main and sidewalk/trail for Cherry Glen Estates Plat 6.
- CA-23 Consider motion to adopt RESOLUTION 2010-066 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main, sanitary sewer and storm sewer in Cherry Glen Estates Plat 6.
- CA-24 Consider motion to adopt RESOLUTION 2010-067 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of street paving in Cherry Glen Estates Plat 6.
- CA-25 DELETED
- CA-26 DELETED
- CA-27 DELETED

- **Engineering Items:**

- CA-28 Consider motion to adopt RESOLUTION 2010-068 accepting water main, sanitary sewer and storm sewer in Camden West Plat 3.
- CA-29 Consider motion to adopt RESOLUTION 2010-069 accepting paving in Camden West Plat 3.
- CA-30 Consider motion to adopt RESOLUTION 2010-070 accepting a water main in Heartland Assembly of God Plat 1.
- CA-31 Consider motion to adopt RESOLUTION 2010-071 accepting water main, sanitary sewer and storm sewer in Otter Ridge Plat 5.
- CA-32 Consider motion to adopt RESOLUTION 2010-072 accepting paving in Otter Ridge Plat 5.

- **Capital Improvement Projects - Final Acceptance:** none

- **Administrative Items:**

- CA-33 Consider motion to receive and file the Ankeny Police Department 2009 Annual Report.

- CA-34** Consider motion to receive and file and accept the resignation from Darlene Van Oort, Library Board Trustee, effective immediately.
- CA-35** Consider motion to adopt RESOLUTION 2010-073 accepting a proposal from the Concrete Contracting Company in the amount of \$25,783.70 for the construction of PCC flatwork at Prairie Ridge Sports Complex.

**Final Agenda Additions::**

- CA-36** Consider motion to adopt RESOLUTION 2010-074 accepting a private construction contract for the construction of sanitary sewer main in Hicklin Industrial Park Plat 3.

**ACTION #4.** Strait made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-36 with the deletion of CA-25, CA-26 and CA-27, seconded by Block.

**ROLL CALL**  
**2010-0405.04**            **YES   5       NO   0**

**G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:**

**ACTION #5.** No action taken.

**H. RECESS:**none

**I. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

1st Reading

**Ordinance 1657:** An ordinance amending the Code of Ordinances of the City of Ankeny, Iowa, by adding a new section establishing the SE Four Mile Drive Water Connection District 1. (PH 2010-08)

**ACTION #6.** Block made the MOTION to accept first consideration of ORDINANCE 1657, seconded by Welch.

**ROLL CALL**  
**2010-0405.06**            **YES   5       NO   0**

1st Reading

**Ordinance 1658:** An ordinance vacating all easements located on Lots 2, 3, 7, 8, 9 and 10, Plaza Shops at Prairie Trail Plat 1. (PH 2010-09)

**ACTION #7.** Kissinger made the MOTION to accept first consideration of ORDINANCE 1658, seconded by Block.

**ROLL CALL**

**2010-0405.07**                YES    5            NO     0

1st Reading

**Ordinance 1659:** An ordinance amending the Municipal Code of the City of Ankeny, Iowa, by adding new Chapter 11, Special Events.

**ACTION #8. DELETED**

1st Reading

**Ordinance 1660:** An ordinance amending Chapter 44, Noise Control.

**ACTION #9. DELETED**

- Boards/Commissions Appointments

Civil Service Commission – 4 year term

Doug Beech (re-appointment)

**ACTION #10.** Welch made the MOTION to accept Mayor's reappointment of Doug Beech to the Civil Service Commission, effective 4/1/2010 – 3/31/2013, seconded by Strait.

**ROLL CALL**

**2010-0405.10**                YES    5            NO     0

Ankeny Sports Complex Foundation, Inc. – 3 year term

*Damon Miller – At Large (re-appointment)*

*Gary Presnall, At Large (re-appointment)*

*Kelly Mudge, Jr. Football (new appointment)*

**ACTION #11.** Kissinger made the MOTION to adopt RESOLUTION 2010-075 making appointments to the Board of Directors of Ankeny Sports Complex Foundation, Inc., effective 04/1/2010 – 04/01/13, seconded by Block.

**ROLL CALL**

**2010-0405.11**                YES    5            NO     0

**J. OLD BUSINESS:** none

**K. NEW BUSINESS:**

- Proposed Traffic Signal System Timings Update  
Professional Services Agreement – Snyder & Associates, Inc.

**ACTION #12.** Strait made the MOTION to approve the Professional Services Agreement with Snyder & Associates, Inc., in an amount not to exceed \$92,181.00 for engineering services associated with the Traffic Signal System Timings Update Project and authorize Mayor to execute said agreement, seconded by Steenhoek.

**ROLL CALL**

**2010-0405.12                      YES    5            NO    0**

- \$13,000,000 General Obligation Bonds, Series 2010D (for an essential corporate purpose)  
Initiate Proceedings

**ACTION #13.** Kissinger made the MOTION to adopt RESOLUTION 2010-076 fixing date for a meeting on the proposition of the issuance of not to exceed \$13,000,000 of General Obligation Bonds, Series 2010D, (for an essential corporate purpose) of the City of Ankeny, State of Iowa, and providing for publication of notice thereof, seconded by Strait. (date of hearing: 4/19/10 @ 5:30 p.m.)

**ROLL CALL**

**2010-0405.13                      YES    5            NO    0**

- \$700,000 General Obligation Bonds, Series 2010D (for a general corporate purpose)  
Initiate Proceedings

**ACTION #14.** Block made the MOTION to adopt RESOLUTION 2010-077 fixing date for a meeting on the proposition of the issuance of not to exceed \$700,000 of General Obligation Bonds, Series 2010D (a general corporate purpose) and providing for publication of notice thereof, seconded by Kissinger. (date of hearing: 4/19/10 @ 5:30 p.m.)

**ROLL CALL**

**2010-0405.14                      YES    5            NO    0**

- \$8,200,000 General Obligation Refunding Bonds, Series 2010C (for an essential corporate purpose)  
Initiate Proceedings

**ACTION #15.** Welch made the MOTION to adopt RESOLUTION 2010-078 fixing date for a meeting on the proposition of the issuance of not to exceed \$8,200,000 General Obligation Refunding Bonds, Series 2010C (for an essential corporate purpose) of the City of Ankeny, State of Iowa, and providing for publication of notice thereof, seconded by Steenhoek. (date of hearing: 4/19/10 @ 5:30 p.m.)

**ROLL CALL**

**2010-0405.15                      YES    5            NO    0**



## **L. ADMINISTRATIVE BUSINESS:**

- **REPORT OF THE CITY STAFF:**

City Manager, Carl Metzger, reminded Council of the Polk County Housing Trust Fund event on April, 8, 2010.

- **REPORT OF THE GOVERNING BODY:**

Mayor Van Oort advised council and staff that he will be out of town for the April 26<sup>th</sup> council action planning session. He also advised Council that on April 17<sup>th</sup> the FFA Enrichment Center will host an official dedication and open house and the Mayor's Youth Council Symposium event scheduled for Saturday, April 10<sup>th</sup>.

Councilor Block stated he attended the Ankeny Uptown Association meeting held last week and reported the association will be voting on request for hotel/motel dollars to be used for the Lavitsef/Ragbrai event scheduled for August 28<sup>th</sup>.

Councilor Welch reminded council of the upcoming Metro Waste Authority annual dinner scheduled for April 21 at the Prairie Meadows Convention Center.

### ***Future Council Agenda Items:***

- ***Council Action Planning Session – 1) Economic Development competitiveness presentation, 2) comp plan to enhance business parks; process strategy; 3) automated traffic enforcement systems – 4/12/10 @ 5:00 p.m.***
- ***Public Hearing - 2010 PCC Reconstruction Project – NW 9<sup>th</sup> Street (date of hrg: 4/19/10 @ 5:30 p.m.)***
- ***Public Hearing - \$13,000,000 General Obligation Bonds, Series 2010D (date of hrg: 4/19/10 @ 5:30 p.m.)***
- ***Public Hearing - \$700,000 General Obligation Bonds, Series 2010D (date of hrg: 4/19/10 @ 5:30 p.m.)***
- ***Public Hearing - \$8,200,000 General Obligation Refunding Bonds, Series 2010D (date of hrg: 4/19/10 @ 5:30 p.m.)***
- ***Council Action Planning Session – 1) Prairie Trail: The District Town Center, 2) radio interoperability – 4/26/10 @ 5:00 p.m.***

## **M. ADJOURNMENT**

**ACTION #16.** There being no further business, Welch made the MOTION to adjourn, seconded by Steenhoek. (6:08 p.m.)

### **ROLL CALL**

2010-0405.16                      YES    5                      NO    0

The context of the above meeting will be submitted for council action at their next regular meeting on April 19, 2010.

Published in the Des Moines Register on the 20<sup>th</sup> day of April, 2010.